

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

FEB 26 2020

David J. Bradley, Clerk

United States of America
v.
Rafael ESCOBEDO-Perez
YOB: 1978 Citizenship: Mexico
Gloria ESCOBEDO-Cardenas
YOB: 1983 Citizenship: Mexico

Case No. M-20-0519-MDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 30, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 371

Offense Description

Did conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, to wit; failure to file information through the Shippers Export Declaration (or any successor document) or the Automated Export System (AES), for merchandise exported to Mexico in violation of Title 13, United States Code, Sections 305 (a)(1) and in violation of Title 18, United States Code, Section 371.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.


Approved on 2/26/20 by AUSA
Kristina Pekkala
KPS


Complainant's signature

Ryan McTaggart Special Agent HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: February 26, 2020
9:02 am


Judge's signature

City and state: McAllen, Texas

Peter Ormsby, United States Magistrate Judge
Printed name and title

Attachment "A"

On December 30, 2019, Customs and Border Protection Officers (CBPOs) at the Donna, Texas, Port of Entry (POE), encountered Santiago GARCIA (hereafter referred to as **Garcia**), the driver and sole occupant of a vehicle bearing Texas license plates, as Garcia was traveling from Mexico to the United States. **Garcia** was referred to secondary inspection and in secondary inspection **Garcia** gave CBPOs a negative declaration for currency in excess of 10,000.00 USD. A subsequent search of **Garcia**'s vehicle resulted in the discovery of \$35,803.00. On that day, **Garcia**, under rights advisement and waiver, stated GARCIA was delivering the currency to multiple individuals in Mission, Texas, and identified two (2) of the intended recipients of the currency as Rafael ESCOBEDO-Perez (hereafter referred to as **Perez**) and Gloria ESCOBEDO-Cardenas (hereafter referred to as **Cardenas**).

The currency was seized, and **Garcia** was released.

On February 24, 2020, **Garcia** was interviewed as part of the petition process. During the interview, **Garcia** stated the currency which had been seized from **Garcia** was the proceeds from the sale of merchandise, which had been exported into Mexico by **Garcia** and resold.

Garcia stated some of the items which had been exported to Mexico by **Garcia** had been provided to **Garcia** by **Perez** and **Cardenas** and the arrangements for the sale of the exported items in Mexico had been made by **Perez** and **Cardenas**. **Garcia** provided SAs with multiple receipts, associated with merchandise which had been purchased in the United States and exported to Mexico for resale by **Garcia**, including two (2) receipts for merchandise purchased by **Perez**.

On February 25, 2020, Henry Eloy Escobedo (hereafter referred to as **Escobedo**) was encountered at the Hidalgo, Texas, POE and during a secondary inspection, CBPOs located \$7859.00 USD concealed in **Escobedo**'s shoes. On that day, Escobedo, under rights advisement and waiver, stated the currency was proceeds from the sale of multiple vehicles which ESCOBEDO had exported to Mexico and sold without filing an Electronic Export Information (EEI) with CBP. The currency was seized, and **Escobedo** was released.

Surveillance of **Escobedo** was maintained, and **Escobedo** was observed walking from the POE to a vehicle, bearing Texas license plates, registered to **Garcia**, and traveling north away from the POE. A short time after leaving the POE, **ESCOBEDO** pulled into the parking lot of a business and SAs observed another vehicle, which appeared to have been traveling in tandem with **ESCOBEDO**'s vehicle, also pull into the parking lot.

Surveillance of the second vehicle was maintained as the vehicle traveled towards Mission, Texas, where a Mission Police Department marked unit observed a motor vehicle violation and initiated a traffic stop.

During the traffic stop, the driver of the vehicle was identified as ESCOBEDO-Perez and the passenger was identified as ESCOBEDO-Cardenas. SAs made contact with ESCOBEDO-Perez and ESCOBEDO-Cardenas and determine they were both citizens of Mexico present in the United States without any valid immigration documents which would allow them to enter or remain in the United States legally.

Attachment "A"

On February 25, 2020, under rights advisement and waiver, ESCOBEDO-**Perez** stated a portion of the currency, which was seized from **GARCIA** on December 30, 2019, belonged to ESCOBEDO-**Perez** and was the proceeds from the sale of merchandise which had been exported to Mexico by **GARCIA**. ESCOBEDO-**Perez** stated ESCOBEDO-**Perez** was aware of the requirement to file an EEI, for merchandise exported to Mexico, because ESCOBEDO-**Perez** had previously spoken with an attorney regarding the legal requirements associated with the exportation of merchandise from the United States into Mexico. ESCOBEDO-**Perez** stated ESCOBEDO-**Perez** and ESCOBEDO-**Cardenas** purchased merchandise in the United States, with the specific intent to export that merchandise into Mexico, and then delivered the merchandise to **GARCIA**. **GARCIA** would then transport the merchandise into Mexico and return with the proceeds.

On February 25, 2020, ESCOBEDO-**Cardenas**, under rights advisement and waiver, stated a portion of the currency, which was seized from **GARCIA** on December 30, 2019, belonged to ESCOBEDO-**Cardenas** and was the proceeds from the sale of merchandise which had been exported to Mexico by **GARCIA**. ESCOBEDO-**Cardenas** stated ESCOBEDO-**Perez** and ESCOBEDO-**Cardenas** purchased merchandise in the United States, with the specific intent to export that merchandise into Mexico, and then delivered the merchandise to **GARCIA**. **GARCIA** would then transport the merchandise into Mexico and return with the proceeds.

ESCOBEDO-**Cardenas** stated ESCOBEDO-**Cardenas** was aware of the requirement to file an EEI, for merchandise exported to Mexico, because people at the various warehouse in the United States had spoken with ESCOBEDO-**Cardenas** about the need to file paperwork associated with the operation of ESCOBEDO-**Cardenas** business exporting merchandise from the United States into Mexico for resale.